

JUL 21 2004

OFFICIAL

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>		<b>Docket Number</b> IRJ03778
First Named Inventor:	Shawn W. Hogberg	Art Unit: 2681
Application Number:	09/398,307	Examiner: Eliseo Ramos Feliciano
Filed:	September 20, 1999	
Title:	POWER BASED CHANNEL ASSIGNMENT IN A WIRELESS COMMUNICATION SYSTEM	
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450 FAX: (703) 308-6916		
<b>Note:</b> If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
<b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</b>		
<b>NOTE:</b> A grantable petition requires the following items:		
(1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional.		
<b>1. Petition fee</b>		
<input type="checkbox"/> Small entity – fee \$ _____ (37 CFR 1.17(L)). Applicant claims small entity status. See 37 CFR 1.27.		
<input checked="" type="checkbox"/> Other than small entity – fee \$ <u>1,330.00</u>		
<b>2. Reply and/or fee</b>		
<b>A.</b> The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply)		
<input type="checkbox"/> has been filed previously on _____		
<input checked="" type="checkbox"/> is enclosed herewith		
<b>B.</b> The issue fee of \$ _____		
<input type="checkbox"/> has been paid previously on _____		
<input type="checkbox"/> is enclosed herewith.		

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This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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PAGE 5/15 \* RCVD AT 7/21/2004 6:31:52 PM [Eastern Daylight Time] \* SVR:USPTO-EFXXF-1/6 \* DNIS:8729306 \* CSID:4803855061 \* DURATION (mm:ss):04:18

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## 3. Terminal Disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (See PTO/SB/63)

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(iii)(C) and (D))]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

6/16/04  
Date

Frank J. Bogacz  
Signature

602-952-4399  
Telephone Number

Frank J. Bogacz  
Typed or printed name

3102 North 56<sup>th</sup> Street

Phoenix, Arizona 85018

Enclosures: ☒ Fee Payment  
☒ Reply  
☐ Terminal Disclaimer Form  
☐ Additional sheets containing statements establishing unintentional delay  
☒ Other: Change of Correspondence Address

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the data shown below to the United States Patent and Trademark office at (703) 308-6916.

7/21/2004  
Date

Brett A. Carlson  
Signature

Brett A. Carlson, #39,928  
Typed or printed name of person signing certificate